

**LEWIS  
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ROCA  
LLP**  

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

## USA COMMERCIAL MORTGAGE COMPANY,

## USA CAPITAL REALTY ADVISORS, LLC.

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC,**

USA SECURITIES, LLC,  
Debtors.

### Affects:

- All Debtors
  - USA Commercial Mortgage Company
  - USA Capital Realty Advisors, LLC
  - USA Capital Diversified Trust Deed Fund, LLC
  - USA Capital First Trust Deed Fund, LLC
  - USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

## **STATUS AND AGENDA FOR DECEMBER 20, 2007 HEARINGS**

Date of Hearing: December 20, 2007  
Time of Hearing: 9:30 a.m.

**9:30 a.m.**

A1. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,  
**Scheduling Conference re: Motion to Dismiss by *JMK Investments pursuant to Rule 12(b)(6); Memorandum of Points and Authorities*** Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD. [DE 47]

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1        1. Status Hearing on Objection to Certain Claims (*Pertaining to Claims*  
 2        *filed by William L. McGimsey*) filed by LENARD E. SCHWARTZER on behalf of USA  
 3        CAPITAL REALTY ADVISORS, LLC [DE 3017]

4        **Response Filed:** Response Filed by WILLIAM L. MCGIMSEY on behalf of  
 5        JOHNNY CLARK, MARGARET B. MCGIMSEY TRUST,  
 6        BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON  
 7        MCGIMSEY [DE 3487]

8        **Stipulation Filed:** Stipulation By USA CAPITAL REALTY ADVISORS, LLC,  
 9        USA SECURITIES, LLC and Between KANTOR CLAIMANTS  
 10      *Continuing Hearing on Objections to the Kantor Claimants' Claims* Filed by JEANETTE E. MCPHERSON on behalf of USA  
 11      CAPITAL REALTY ADVISORS, LLC, USA SECURITIES,  
 12      LLC [DE 3491]

13      **Related Filings:** Order Approving Stipulation to Continue the Hearing on  
 14      Objections to the KANTOR Claimants' Claims Against USA  
 15      SECURITIES, LLC and USA CAPITAL REALTY ADVISORS,  
 16      LLC [DE 3520]

17      5/15/2007 Order Sustaining in Part the Omnibus Objection of USA  
 18      CAPITAL REALTY ADVISORS, LLC to Certain Claims [DE  
 19      3733]

20      **Stipulation Filed:** Stipulation By USA CAPITAL REALTY ADVISORS, LLC,  
 21      USA SECURITIES, LLC and Between KANTOR CLAIMANTS  
 22      *Concerning The Withdrawal of Claims* Filed by JEANETTE E.  
 23      MCPHERSON on behalf of USA CAPITAL REALTY  
 24      ADVISORS, LLC, USA SECURITIES, LLC [DE 3922]

25      **Related Filings:** Order Approving the Stipulation Concerning the Withdrawal of  
 26      the Claims Filed by the KANTOR Claimants Against USA  
 27      SECURITIES, LLC and USA CAPITAL REALTY ADVISORS,  
 28      LLC (Affects USA SECURITIES, LLC and USA CAPITAL  
 29      REALTY ADVISORS, LLC) [DE 3929]

30      **Status** Continued from 4/26/2007; and 6/15/2007

31      2. Motion for Summary Judgment (*Pertaining to Claims filed by William L.*  
 32      *McGimsey*) Filed by LENARD E. SCHWARTZER on behalf of USA CAPITAL  
 33      REALTY ADVISORS, LLC [DE 5256]

34      **Opposition Filed:** None

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1      **Status**

3      **3. Partial Objection to Claim 10725-02481 of Tobias Von Euw Revocable  
4      Trust dtd 11/23/04 in the amount of \$1,468,967.93 filed in Wrong Debtor's Case and  
5      Disallowed as to USACM filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5351]**

6      **Opposition Filed:**    None

7      **Status**

9      **4. Partial Objection to Claim 10725-00953 of Hermaine and Seymour  
10     Hinden Living Trust dtd 2/22/00 in the amount of \$40,000.00 Filed in Wrong Debtor's  
11     Case and Disallowed as to USACM filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5353]**

12     **Opposition Filed:**    None

13     **Status**

14     **5. FIRST OMNIBUS OBJECTION OF THE USACM LIQUIDATING  
15     TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION filed by  
16     ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5357]**

17     **Opposition Filed:**    Response to First Omnibus Objection of the USACM Liquidating  
18     Trust to Proofs of Claim for Lack of documentation filed on  
behalf of Tim Burrus and Joann Ortiz-Burrus, Claim 10725-  
00027 [DE 5475]

19     **Status**

21     **6. SECOND OMNIBUS OBJECTION OF THE USACM LIQUIDATING  
22     TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH  
23     CERTIFICATE OF SERVICE filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5359]**

24     **Opposition Filed:**    None

25     **Status:**

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1       **7. THIRD OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
2       **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
3       **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5361]

4       **Opposition Filed:**   None

5       **Status:**

6       **8. FOURTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
7       **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
8       **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5363]

9       **Opposition Filed:**   None

10      **Status:**

11      **9. FIFTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
12      **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
13      **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5365]

14      **Opposition Filed:**   Response in Opposition to Objections of USACM Liquidating  
Trust to Proofs of Claim, filed by Barry J. and Patricia Goldstein,  
Claim No. 10725-01165, and Capital Mortgage Investors, Inc.,  
Claim No. 107725-01163 [DE 5484].

15      **Status:**

16      **10. SIXTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
17      **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
18      **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5367]

19      **Opposition Filed:**   Response in Opposition to Objections of USACM Liquidating  
Trust to Proofs of Claim, filed by Barry J. and Patricia Goldstein,  
Claim No. 10725-01167, and Capital Mortgage Investors, Inc.,  
Claim No. 107725-01168 [DE 5484].

20      **Status:**

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1       **11. SEVENTH OMNIBUS OBJECTION OF THE USACM**  
2       **LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF**  
3       **DOCUMENTATION WITH CERTIFICATE OF SERVICE** filed by ROB CHARLES  
on behalf of USACM LIQUIDATING TRUST [DE 5369]

4       **Opposition Filed:**   None

5       **Status:**

6       **12. EIGHTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
7       **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
8       **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5371]

9       **Opposition Filed:**   None

10      **Status:**

11      **13. NINTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
12      **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
13      **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5373]

14      **Opposition Filed:**   None

15      **Status:**

16      **14. TENTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
17      **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
18      **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5375]

19      **Opposition Filed:**   None

20      **Status:**

21      **15. ELEVENTH OMNIBUS OBJECTION OF THE USACM**  
22      **LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF**  
23      **DOCUMENTATION WITH CERTIFICATE OF SERVICE** filed by ROB CHARLES  
on behalf of USACM LIQUIDATING TRUST [DE 5377]

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1      **Opposition Filed:**    None  
2      **Status:**

3  
4      **16. TWELFTH OMNIBUS OBJECTION OF THE USACM**  
5      **LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF**  
6      **DOCUMENTATION WITH CERTIFICATE OF SERVICE** filed by ROB CHARLES  
7      on behalf of USACM LIQUIDATING TRUST [DE 5379]

8      **Opposition Filed:**    None  
9      **Status:**

10     **17. First Omnibus Objection to Proofs of Claim Based Upon Investment in**  
11     **the Opaque/Mt. Edge \$7,350,000 Loans** filed by ROB CHARLES on behalf of USACM  
12     LIQUIDATING TRUST [DE 5388]

13     **Related Filing:**       Declaration Of: Edward M. Burr *in Support of Omnibus*  
14     11/20/2007               *Objections to Proofs of Claim Based Upon Investment in the*  
15     *Opaque/Mt. Edge \$7,350,000 Loan With Certificate Of Service*  
16     Filed by ROB CHARLES on behalf of USACM LIQUIDATING  
17     TRUST [DE 5387].

18     **Opposition Filed:**    None  
19     **Status:**

20     **18. Second Omnibus Objection to Proofs of Claim Based, in Whole or in**  
21     **Part, Upon Investment in the Opaque/Mt. Edge \$7,350,000 Loan** filed by ROB  
22     CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5390]

23     **Opposition Filed:**    None  
24     **Status:**

25     **19. Motion to Close Case, Motion for Final Decree** Filed by LENARD E.  
26     SCHWARTZER on behalf of USA SECURITIES, LLC [DE 5400]

27     **Opposition Filed:**    None

28     **Related Filing:**       Declaration Of: SUSAN M. SMITH In Support of USA

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1 11/21/2007 SECURITIES, LLC's Motion To Close Case and Request For  
 2 Final Decree Filed by LENARD E. SCHWARTZER on behalf of  
 3 USA SECURITIES, LLC [DE 5402]

4 11/21/2007 *USA SECURITIES, LLC's Final Report of Action Taken and*  
 5 *Progress Towards Consummation of Confirmed Plan of*  
 6 *Reorganization Filed by LENARD E. SCHWARTZER on behalf of*  
 7 *USA SECURITIES, LLC [DE 5403]*

8 **Status:** Continued from December 14, 2007 [DE 4980].

9       **20. Eighth Omnibus Objection (Pertaining to Claim filed by John Dutkin)**  
 filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3147]

10      **Response Filed:** Response with Certificate of Service Filed by GEORGE D  
 11     4/19/2007 FRAME on behalf of JOHN DUTKIN [DE 3512]

12      **Related Filings:** Motion for Summary Judgment Regarding (1) Responses To The  
 13     7/30/2007 USACM Trust's First Through Thirty-Third Omnibus Objections  
 14     To Claims Asserting A Secured Status; (2) Responses to USACM  
 15     Trust's First Through Third Omnibus Objections to Claims  
 16     Asserting A Priority Status; and (3); Newly Alleged Secured And  
 17     Priority Claims Filed by ROB CHARLES on behalf of USACM  
 18     LIQUIDATING TRUST [DE 4291]

19      **Response Filed:** Response with Certificate of Service & *Objection of USA*  
 20     8/17/07 *COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN*  
 21     *TRUST Asserting Secured Status Filed by GEORGE D FRAME*  
 22     on behalf of JOHN DUTKIN [DE 4628]

23      **Status** Continued from 4/26/2007; 6/15/2007 and 12/14/07.

24       **21. Objection to Claim 10725-02447-2 amending 10725-02447-1, 10725-**  
 25     **02448-2 amending 10725-02448-1 of Wynn & Lorraine J. Gunderson in the amount**  
 26     **of \$176,135.00, \$176,135.00 Asserting Secured Status filed by ROB CHARLES on**  
 27     behalf of USACM LIQUIDATING TRUST [DE 4262]

28      **Objection Filed:** Objection with Certificate of Service Filed by LORRAINE  
 29     4/19/2007 GUNDERSON, WYNN A. GUNDERSON [DE 3514]

30      **Status** Continued from 11/2/2007; 11/16/2007 and 12/14/07.

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**22. Motion for Summary Judgment Regarding (1) Responses To The  
USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting  
A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus  
Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And  
Priority Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST  
[DE 4291]**

**Related Filings:** The only unresolved claim is Proof of claim 10725-01739 filed by Larry and Patsy Rieger

## Status

**23. Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the amount of filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]**

**Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC [DE 2329]  
12/29/2006

Book File Name: Book 1, Section 6, Objective: Ch 1-781, 6PINEGR

**Reply Filed** *Reply In Support of Objection to Claim 784 of BINFORD*

1/08/2007 MEDICAL DEVELOPERS Filed by LENARD E.  
SCHWARTZER on behalf of USA COMMERCIAL  
MORTGAGE COMPANY [DE 2378]

**Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between Binford Medical Developers *Continuing Hearing on Objection to Claim 784 of Binford Medical Developers* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE-4977]

S. L. A. Fujii

**Related Filing:** Order Approving Stipulation to Continue the Hearing on  
10/12/2007 Objection to Claim 784 of BINDFORD MEDICAL  
DEVELOPERS LLC [DE 4988]

### Status:

Hearing rescheduled from 1/17/2007; 3/15/2007; 4/26/2007; 6/15/2007; and 10/15. A stipulation to continue the hearing to December 20, 2007 was filed [DE 5474]. At the hearing held on December 14, 2007, Judge Riegle advised counsel that she will hear this matter on January 11, 2007

24. Agenda item is on Thomas A. Hantges

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1           **25. Motion for Summary Judgment to Classify Claim by Pecos Professional**  
 2           **Park Limited Partnership in Plan Class A-7 With Certificate Of Service Filed by ROB**  
 3           **CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5122]**

4           **Related Filings:**      Order Extending Deadline to Respond or Otherwise Intervene and  
 5           Continuing Hearing on USACM LIQUIDATING TRUST's  
 6           Motion for Summary Judgment to Classify Claim by PECOS  
 7           PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN  
 8           CLASS A-7 [DE 5436]  
 9           Opposition to USACM Liquidating Trust's Motion for Summary  
 10          Judgment to Classify Claim by Pecos Professional Park Limited  
 11          Partnership in Plan Class A-1 [DE 5432]  
 12          USACM Liquidating Trust's Reply in Support of Motion for  
 13          Summary Judgment to Classify Claim by Pecos Professional Park  
 14          Limited Partnership in Plan Class -7 [DE 5493]

12           **26. Motion for Summary Judgment Regarding (1) Responses To The**  
 13           **USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting**  
 14           **A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus**  
 15           **Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And**  
 16           **Priority Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST**  
 17           **[DE 4291] re Rieger Claim 10725-01739**

16           **Status:**           This hearing has been continued several times. On November 15,  
 17           2007, this Court entered an Order Scheduling rehearing on Claim  
 18           10725-01739, 10725-02208, 10725-02209, 10725-02210. [DE  
 19           5337]  
 20           A Stipulation for Withdrawal of Proofs of Claim 10725-02208,  
 21           10725-02209 and 10725-02210 [DE 5477] was filed.

21           DATED: December 19, 2007.

22                           **LEWIS AND ROCA LLP**

23                           By: /s/ Rob Charles (#6593)

24                           Susan M. Freeman, AZ 4199 (*pro hac vice*)

25                           Rob Charles, NV 6593

26                           Counsel for USACM Liquidating Trust